

[NO MINUTES WERE GENERATED ON TUESDAY, JULY 27, 2004.]

1171

**SUPREME COURT MINUTES
WEDNESDAY, JULY 28, 2004
SAN FRANCISCO, CALIFORNIA**

S122590

FREEMAN (FRED H.) ON H.C.
Order to show cause issued

Petitioner's request for judicial notice of the certified record on appeal and all pleadings on file in *People v. Freeman*, S004787, *In re Freeman*, S041560, and *In re Freeman*, S065191 (petn., p. 8) is granted.

The Director of Corrections is ordered to show cause before this court, when the matter is placed on calendar, why petitioner is not entitled to relief because (1) the trial judge actively colluded with the prosecutor to secure a conviction and death sentence, and (2) the prosecutor improperly exercised peremptory challenges on the basis of religion at the advice of the trial judge. The return must be filed in this court on or before August 27, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.)

S124828

B168200 Second Appellate District,
Division Eight

BENNIGSON v. ALSDORF
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S125822

F044121 Fifth Appellate District

Z. (JOSIAH), IN RE
Petition for review granted

Baxter, J., was recused and did not participate.

Votes: George, C.J., Kennard, Werdegar, Chin, Brown, and Moreno, JJ.

S126182

F042592 Fifth Appellate District

PEOPLE v. BLACK

Petition for review granted

The parties are directed to brief and argue the following issues: (1) What effect does *Blakely v. Washington* (2004) ___ U.S. ___, 124 S.Ct. 2531 have on the validity of defendant's upper term sentence? (2) What effect does *Blakely* have on the trial court's imposition of consecutive sentences?

Briefs of the parties shall be filed in accordance with California Rules of Court, rule 29.1(a). Because of the importance of a prompt resolution of this matter, applications to file amicus curiae briefs (including the proposed brief) shall be filed no later than the date the petitioner's reply brief is required to be filed. This court does not contemplate that any extension of time for filing briefs will be granted.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S125089B174332 Second Appellate District,
Division ThreeAHRABLOU v. BOARD OF CHIROPRACTIC EXAM
Petition for review granted; transferred to CA 2/3

The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, with direction to vacate its order dismissing the appeal and to reconsider the applicability of Business and Professions Code section 2337 to proceedings arising out of the Chiropractic Act, an initiative act (See Bus. & Prof. Code, div. 2, ch. 2, art 1).

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

S103243F035196 Fifth Appellate District
F035198FARMERS INSURANCE EXCHANGE v. JOHN
GARAMENDI, AS INSURANCE COMMISSIONER
Transferred to CA 5 after hold

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to

reconsider the cause in light of *State Farm Automobile Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029. (Cal. Rules of Court, rule 29.3(d).

Chin, J., was recused and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Brown, and Moreno, JJ.

S116644

H025258 Sixth Appellate District

H. (JARRED), IN RE

Dismissed per rule 29.3(b), and remanded to CA 6

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S117442

C042637 Third Appellate District

J. (RHONDA), IN RE

Dismissed per rule 29.3(b), and remanded to CA 3

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S119976

C042781 Third Appellate District

L. (DAVID), IN RE

Dismissed per rule 29.3(b), and remanded to CA 3

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S124770A106094 First Appellate District,
Division OneVILLA (CESAR F.) ON H.C.
Petition for review denied**S124825**A106321 First Appellate District,
Division FourCOOKE (DAMON) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S124895A106334 First Appellate District,
Division FiveFRIAS (LUIS) ON H.C.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.
Brown, J., was recused and did not participate.

S124931
H025592 Sixth Appellate District

BREWER v. SWAN MAGNETICS INC.
Petition for review denied

S124985
F045324 Fifth Appellate District

CARL (CHARLES DANIEL) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S124987
B174706 Second Appellate District,
Division Five

MOORE (ALVIN) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S125040
B174957 Second Appellate District,
Division Three

THOMAS (HENRY) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S125088
B174414 Second Appellate District,
Division Seven

CREDIT SUISSE LEASING v. S.C. (KLINE)
Petition for review denied

Brown, J., was recused and did not participate.

S125093
B168559 Second Appellate District,
Division Seven

PEOPLE v. CHAKER
Petition for review denied

S125125
D041856 Fourth Appellate District,
Division One

PEOPLE v. LIMA
Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.

S125155
B165450 Second Appellate District,
Division Two

PEOPLE v. PEREZ
Petition for review denied

S125160
B169069 Second Appellate District,
Division Two

PEOPLE v. GAXIOLA
Petition for review denied

S125202

A102127 First Appellate District,
Division Five

PEOPLE v. MICHEL

Petition for review denied

S125221

E035828 Fourth Appellate District,
Division Two

SEGUNDO v. S.C. (LIONHEART CONSTRUCTION)

Petition for review denied

S125230

G032089 Fourth Appellate District,
Division Three

PEOPLE v. WARSOP

Petition for review denied

S125259

H025893 Sixth Appellate District

CASTRO v. CACERES

Petition for review denied

S125264

C041607 Third Appellate District

PEOPLE v. CHRISTIAN

Petition for review denied

S125269

E035712 Fourth Appellate District,
Division Two

MARTIN v. MONTES

Petition for review denied

Werdegarr, J., was recused and did not
participate.

S125290

B165191 Second Appellate District,
Division Three

PEOPLE v. LINSON

Petition for review denied

S125307

B175068 Second Appellate District,
Division Three

FLORES (MANUEL) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

S125309

C042236 Third Appellate District

DODGE v. YOUSSEFI

Petition for review denied

S125312

A099446 First Appellate District,
Division One

PEOPLE v. VALENCIA

Petition for review denied

S125331

B175099 Second Appellate District,
Division Five

MARTINEZ (JOSE) ON H.C.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

Brown, J., was recused and did not participate.

S125337

B166132 Second Appellate District,
Division Four

PEOPLE v. ARNOLD
Petition for review denied

S125344

C046663 Third Appellate District

REED v. RUNNELLS
Petition for review denied

S125357

F042809 Fifth Appellate District

PEOPLE v. DAVIS
Petition for review denied

S125358

F042013 Fifth Appellate District

PEOPLE v. FLORES
Petition for review denied

Baxter, J., was recused and did not participate.

S125383

D041592 Fourth Appellate District,
Division One

PEOPLE v. MCCASTLE
Petitions for review denied

S125406

G030109 Fourth Appellate District,
Division Three

PEOPLE v. HERMAN
Petition for review denied

S125437

B169155 Second Appellate District,
Division Two

PEOPLE v. ARREGUIN
Petition for review denied

S125458

B166670 Second Appellate District,
Division Five

PEOPLE v. BORHAN
Petition for review denied

S125464

A098900 First Appellate District,
Division Two

ABRAHAM v. PACIFIC UNION REAL ESTATE
Petition for review denied

S125471

C041008 Third Appellate District

PEOPLE v. HARRIS
Petition for review denied

S125490

B162414 Second Appellate District,
Division Two

PEOPLE v. WARD
Petition for review denied

S125545

B172101 Second Appellate District,
Division Three

ABNER v. LAW OFFICES OF B. KWAKU DUREN
Petition for review denied

S125552

B167255 Second Appellate District,
Division Three

WATER GARDEN CO. v. HOLLYWOOD.COM INC.
Petition for review denied

Application to appear pro hac vice DENIED.

S125563

G031689 Fourth Appellate District,
Division Three

PEOPLE v. DIXON
Petition for review denied

S125615

B166239 Second Appellate District,
Division Seven

KOVEN v. ALLSTATE INSURANCE
Petition for review denied

Chin, J., was recused and did not participate.

S125616

F042749 Fifth Appellate District

PEOPLE v. CHAVEZ
Petition for review denied

S125639

A103265 First Appellate District,
Division Four

GRIFFIN, MARRIAGE OF
Petition for review denied

S125642

B160568 Second Appellate District,
Division Four

VALENTINE v. MEMBRILA
Petition for review denied

S125645

E033236 Fourth Appellate District,
Division Two

TOUSIGNANT v. COUNTY OF SAN BERNARDINO
Petition for review and application for stay denied

S125647

E034507 Fourth Appellate District,
Division Two

PEOPLE v. COLON
Petition for review denied

S125649

B169864 Second Appellate District,
Division One

R. (BRANDON), IN RE
Petition for review denied

S125650

G030275 Fourth Appellate District,
Division Three

PEOPLE v. SANTANA
Petition for review denied

S125652

B168080 Second Appellate District,
Division Three

PEOPLE v. THOMAS
Petition for review denied

S125655

B167406 Second Appellate District,
Division One

PEOPLE v. CASTANEDA
Petition for review denied

S125656

H026234 Sixth Appellate District

C. (ANGELIC), IN RE
Petition for review denied

S125658

D044051 Fourth Appellate District,
Division One

KRZYKOWSKI v. WCAB; ADELSON, ETC. ET AL.
Petition for review denied

S125660

B170075 Second Appellate District,
Division Three

PEOPLE v. RODRIGUEZ
Petition for review denied

S125673

B168047 Second Appellate District,
Division Two

PEOPLE v. ANDERSON
Petition for review denied

S125675

E033332 Fourth Appellate District,
Division Two

PEOPLE v. BUTLER

Petition for review denied

S125684

B163730 Second Appellate District,
Division Three

WESTSIDE INVESTMENTS v. RABIZADEH

Petition for review denied

S125690

B170766 Second Appellate District,
Division Four

ARAMBUL v. CITY OF LOS ANGELES

Petition for review denied

S125699

B175619 Second Appellate District,
Division Two

MEJIA v. ALCOHOLIC BEV. CONTROL APPL. BD.

Petition for review and application for stay denied

S125705

B165768 Second Appellate District,
Division One

PEOPLE v. HARMON

Petition for review denied

S125708

G032092 Fourth Appellate District,
Division Three

THOMAS, MARRIAGE OF

Petition for review denied

S125714

A103152 First Appellate District,
Division Three

PETERSON v. WHOLE FOODS MARKET

Petition for review denied

S125715

B165855 Second Appellate District,
Division Six

PEOPLE v. PADILLA

Petition for review denied

S125716

H025649 Sixth Appellate District

PEOPLE v. MARTINEZ

Petition for review denied

S125717

F043317 Fifth Appellate District

PEOPLE v. LANDEROS

Petition for review denied

S125718

G031559 Fourth Appellate District,
Division Three

PEOPLE v. SANCHEZ

Petition for review denied

S125720

B165172 Second Appellate District,
Division Eight

PEOPLE v. CHEN

Petition for review denied

S125727

B163952 Second Appellate District,
Division Four

PEOPLE v. GREEN

Petition for review denied

S125728

B162572 Second Appellate District,
Division Five

HUTTON v. HAFIF

Petition for review denied

S125734

C042774 Third Appellate District

PEOPLE v. HAYNES

Petition for review denied

S125736

C043208 Third Appellate District

PEOPLE v. JONES

Petition for review denied

Request for judicial notice granted.

S125738

F041213 Fifth Appellate District

HEMPEL v. ASSURANCE COMPANY OF AMERICA

Petition for review denied

S125747

B170211 Second Appellate District,
Division Five

C. (ANNA), IN RE

Petition for review denied

S125750

A101348 First Appellate District,
Division Three

PEOPLE v. GIPSON

Petition for review denied

S125754

B158367 Second Appellate District,
Division Seven

PEOPLE v. SAHAGUN

Petition for review denied

S125756

D043560 Fourth Appellate District,
Division One

P. (AUSTIN), IN RE

Petition for review denied

S125758

F042389 Fifth Appellate District

PEOPLE v. ROMAN

Petition for review denied

Baxter, J., was recused and did not participate.

S125759

F041704 Fifth Appellate District

PEOPLE v. ORNELAS

Petition for review denied

S125761

H025805 Sixth Appellate District

HADDAD v. CITY COUNCIL OF MONTEREY

Petition for review denied

S125766

E035977 Fourth Appellate District,
Division Two

WESTERN PACIFIC HOUSING-NORCO ESTATES

v.

S.C. (BEAUDET)

Petition for review denied

S125777

C042257 Third Appellate District

PEOPLE v. MCCAULEY

Petition for review denied

S125780

D041153 Fourth Appellate District,
Division One

PEOPLE v. BENN

Petition for review denied

S125781

H025503 Sixth Appellate District

PEOPLE v. CHAVARRIA

Petition for review denied

S125782

F043033 Fifth Appellate District

PEOPLE v. KESSLER

Petition for review denied

S125785

C041021 Third Appellate District

PEOPLE v. LOPEZ

Petition for review denied

S125787

A100215 First Appellate District,
Division Two

PEOPLE v. REYES

Petition for review denied

S125788

E033917 Fourth Appellate District,
Division Two

PEOPLE v. PARKER

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125789

G031734 Fourth Appellate District,
Division Three

PEOPLE v. ALVARADO

Petition for review denied

S125806

B175508 Second Appellate District,
Division Eight

BROWNLOW v. S. C. OF LOS ANGELE COUNTY

Petition for review denied

S125807

E034093 Second Appellate District,
Division Two

C. (MARCOS), IN RE

Petition for review denied

S125808

B165953 Second Appellate District,
Division Five

PEOPLE v. MCCARTHY

Petition for review denied

S125811

F043561 Fifth Appellate District

PEOPLE v. KNIGHT

Petition for review denied

S125812

D044345 Fourth Appellate District,
Division One

NATIONAL UNION FIRE INSURANCE v. WCAB;
EDWARDS (JOHN)

Petition for review denied

S125813

C042584 Third Appellate District

PEOPLE v. RUNQUIST

Petition for review denied

S125814

B168577 Second Appellate District,
Division Four

PEOPLE v. SIQUIEROS

Petition for review denied

S125821

E033173 Fourth Appellate District,
Division Two

NSEK v. CIRCLE K STORES

Petition for review denied

S125833

G032719 Fourth Appellate District,
Division Three

PEOPLE v. BEINLICH
Petition for review denied

S125852

B175578 Second Appellate District,
Division Four

BLUE v. S.C. (PEOPLE)
Petition for review denied

S125853

H025886 Sixth Appellate District

PEOPLE v. RUIZ
Petition for review denied

S125857

C043319 Third Appellate District

PEOPLE v. MORAN
Petition for review denied

S125864

E034308 Fourth Appellate District,
Division Two

PEOPLE v. NELSON
Petition for review denied

S125877

B168917 Second Appellate District,
Division Six

PEOPLE v. BEGOLE
Petition for review denied

S125881

E033468 Fourth Appellate District,
Division Two

PEOPLE v. MALLORY
Petition for review denied

S125884

A103903 First Appellate District,
Division Four

PEOPLE v. LAWS
Petition for review denied

S125887

F042508 Fifth Appellate District

PRICHARD & FARUKI, MARRIAGE OF
Petition for review denied

S126078

B175289 Second Appellate District,
Division Six

ALDEN v. S.C. (W.G. REALTY)
Petition for review and application for stay denied

S126091

B176205 Second Appellate District,
Division Five

JONES v. S.C. (FULLER)

Petition for review and application for stay denied

S126163

B169225 Second Appellate District,
Division Five

PEOPLE v. HICKS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __, 124 S.Ct. 2531, on California law.

S126224

MONK v. CA 2/4 (PEOPLE)

Petition for writ of mandate/prohibition & stay denied

S126239

F045578 Fifth Appellate District

WHITE v. S.C. (PEOPLE)

Petition for writ of mandate/prohibition denied

S126241

TYSON v. OHLRICH (PEOPLE)

Petition for writ of mandate/prohibition denied

S115939

WALLICK (RODNEY) ON H.C.

Petition for writ of habeas corpus denied

S116203

BAILEY (JACOB) ON H.C.

Petition for writ of habeas corpus denied

S119015

LONDON (ERIC) ON H.C.

Petition for writ of habeas corpus denied

S119328

BRADBURY (ALVIN L.) ON H.C.

Petition for writ of habeas corpus denied

S119371

YANEZ (RICARDO) ON H.C.

Petition for writ of habeas corpus denied

S119413

ALLBRITTON (HAROLD) ON H.C.
Petition for writ of habeas corpus denied

S119466

ANDERSON (DAVID G.) ON H.C.
Petition for writ of habeas corpus denied

S119471

TAYLOR (ELWIN) ON H.C.
Petition for writ of habeas corpus denied

S119511

LOWE (STEVE CHARLES) ON H.C.
Petition for writ of habeas corpus denied

S119692

WALKER- BEY (RODNEY) ON H.C.
Petition for writ of habeas corpus denied

S119716

FOX (BELITA E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119727

BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dexter* (1979) 25 Cal.3d 921; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S119728

BUTTS (ANDRE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S119731

BANKS (RODNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S119732

ALVARADO (ARISTEO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S119740

ZENC (JOHN W.) ON H.C.
Petition for writ of habeas corpus denied

S119742

MONTUE (JOHN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S119951

BAUTISTA (ESTEBAN V.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218.)

S119953

SALCIDO (SALVADOR) ON H.C.
Petition for writ of habeas corpus denied

S119977

HAYDEN (ALPHONSO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S119982

MARTINEZ (REGGIE) ON H.C.
Petition for writ of habeas corpus denied

S119983

XIONG (KOU C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S120012

CARDONA (MELECIO M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S120657

CARTER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S121342

SZCZERBATY (STANLEY M.) ON H.C.
Petition for writ of habeas corpus denied

S122358

ROWLAND (ERNEST B.) ON H.C.
Petition for writ of habeas corpus denied

S123020

BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S123021

BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied

S123453

MONTUE (JOHN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S123461

MARTIN (RONNIE S.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was recused and did not participate.

S123590

CHAVEZ (JAFET) ON H.C.
Petition for writ of habeas corpus denied

S123681

CHAVEZ (JUAN) ON H.C.
Petition for writ of habeas corpus denied

S123742

LASHGARI (DAVID T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Azurin* (2001) 87 Cal.App.4th 20; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S123948

CARTER (DESHA M.) ON H.C.
Petition for writ of habeas corpus denied

S124692

BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied

S125599

CERDA (JORGE G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125674

MUFFULETTO (JOHN V.) ON H.C.
Petition for writ of habeas corpus denied

S126135

CERDA (JORGE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S126137

GARCIA (JOSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126139

LOMELY (JESUS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S126170

DAWSON (KENNETH DEAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

S126180

MANZANARES (HECTOR) ON H.C.
Petition for writ of habeas corpus denied

S126206

DURAN (JAMES JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126219

NEGRETE (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

S126230

KIRKLAND (DONALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126243

ROBINSON (MYRLE J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S126275

DAWSON (KENNETH D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750.)

S126294

DONALDSON (BRIAN M.) ON H.C.
Petition for writ of habeas corpus denied

S126378

ARCHILA (MARIO R.) ON H.C.
Petition for writ of habeas corpus denied

S125984

D042899 Fourth Appellate District,
Division One

WITTGROVE, MARRIAGE OF
Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Officials Reports. See rule 978(c)(2), California Rules of Court.

S125651

D043166 Fourth Appellate District,
Division One

S. (LOUIS), IN RE
Depublication request denied (case closed)

S125932

G031285 Fourth Appellate District,
Division Three

GOODWIN v. S.C. (PEOPLE)
Publication request denied (case closed)

S125379

H027274 Sixth Appellate District

DIAZ v. WCAB (EL PASEO LIMOUSINE
SERVICES)
Time extended to grant or deny review

to September 3, 2004

S125519

D042575 Fourth Appellate District,
Division One

VASQUEZ v. RESIDENTIAL INVESTMENTS INC.
Time extended to grant or deny review

to September 9, 2004

S038499

PEOPLE v. BELL (STEVEN M.)
Extension of time granted

to September 20, 2004 to file appellant's reply brief. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by 9/18/2004. After that date, no further extension will be granted.

S064769

PEOPLE v. HAWTHORNE (CARLOS)
Extension of time granted

to September 21, 2004 to file respondent's brief.

S125719

NEASMAN (EDDIE) ON H.C.
Extension of time granted

to August 10, 2004 for respondent to file the informal response.

S125951

A106333 First Appellate District,
Division Two

RUMIE v. S.C. (PEOPLE)
Extension of time granted

to August 13, 2004 for real party in interest to file the answer to the petition for review.

S126089

C043040 Third Appellate District

BARDIS v. OATES
Extension of time granted

to August 5, 2004 for appellants to file the answer to the petition for review.

S029551

PEOPLE v. JOHNSON (JOE)
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed lead counsel for permission to withdraw as appellate and habeas corpus/executive clemency attorney of record for appellant Joe Edward Johnson, filed May 12, 2003, is granted.

The order appointing Rodger Paul Curnow as lead counsel of record for appellant Joe Edward Johnson, filed December 23, 1997, is hereby vacated.

Pending further order of this court, associate counsel Debi A. Ramos is hereby designated as attorney of record for appellant Joe Edward Johnson for both the direct appeal and related state habeas corpus/executive clemency proceedings, in the above automatic appeal now pending in this court.

The request for appointment of new counsel of record for appellant Joe Edward Johnson is denied without prejudice.

S054489

PEOPLE v. DOOLIN (KEITH Z.)
Motion for access to sealed record granted

The “Request for Sealed Records Pursuant to Penal Code Section 987.9, Subdivision (d)” filed by respondent on December 12, 2003, and the “Request for Sealed Records Pursuant to Penal Code Section 987.9, Subdivision (d)” filed by respondent on July 7, 2004, are granted.

The Clerk of this court is directed to provide respondent with copies of: (1) the “Supplemental Clerk’s Transcript on Appeal #3 — Confidential”; and (2) “Supp. C.T. 5733A,” the one-page request for appointment of counsel, filed as Exhibit B to appellant’s June 11, 2002, Motion to Settle the Record on Appeal.

Except as provided herein, these documents “shall remain under seal and their use shall be limited solely to the pending proceeding.” (See Pen. Code § 987.9, subd. (d).)

S073596

PEOPLE v. LANCASTER (ANDREW)
Order filed

Appellant’s “Motion to Unseal Records Sealed by the Trial Court and to Augment the Record on Appeal to Include Probation Report,” filed on February 27, 2004, is granted in part and denied in part.

In the following respects, the motion is granted. The clerk is directed to provide appellant and respondent with a copy of (1) the reporter’s transcript of an in camera hearing held on July 16, 1996, before the Honorable David M. Horwitz, Judge, and attended by only the prosecutor, pages 1 through 7, (2) the reporter’s transcript of an in camera hearing held on August 9, 1996, before the Honorable James A. Bascue, Judge, and attended by only the prosecutor, pages 9 through 10, and (3) the reporter’s transcript of an in camera hearing held on May 29, 1997, before the Honorable William R. Pounders, Judge, and attended by Albert De Blanc, Jr., and Henry Hall (codefendants’ counsel), pages 113 through 118.

It is ordered that only counsel for appellant

and counsel for respondent, and their respective investigators, may use the copy of the materials described in the preceding paragraph. Use of such materials is limited to this appeal and to any petition for writ of habeas corpus challenging the lawfulness of confinement pursuant to the underlying judgment of death. To the extent the parties quote or describe such materials in court papers, those papers must themselves be filed or lodged under seal.

On the court's own motion, the parties having received notice and an opportunity to be heard, the clerk is further directed to reseal the materials described in the preceding paragraph of this order.

In all other respects, the motion is denied.

S123808

E033616 Fourth Appellate District,
Division Two

RICO v. MITSUBISHI MOTORS
Order filed

Upon consideration of appellants' "Application Requesting The Court's Guidance In Complying With Sealing Order Of The Trial Court; Request For Further Guidance Regarding Appellants' And Respondents' Record On Appeal" filed on July 6, 2004, we order the following:

The parties are directed to file a motion or application to seal providing reasons why specific portions of their briefs should be placed under seal. (See Cal. Rules of Court, rule 243.2(b).) Concurrently, with the filing of their motion to seal, the parties should lodge their briefs with this court for the court's consideration. (Cal. Rules of Court, rules 243.2(b)(4), (d).)

Furthermore, appellants' request to file a supplemental appendix is denied. Because the trial court previously ordered the portions of the record at issue sealed, they remain sealed for this court's purposes. (See Cal. Rules of Court, rule 12.5(c).) Accordingly, the clerk is directed to place the pages set forth in appellants' application in a confidential section of the case file because these documents are under seal for the purposes of this case.

Appellants' request for an extension of time

is granted. Appellants' opening brief is due seventeen (17) days from the date of this order.

S124090

C043590 Third Appellate District

PEOPLE v. GARCIA

Order filed

The order filed July 16, 2004 is hereby amended to read:

"Upon request of appellant for appointment of counsel, Central California Appellate Program is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed."

S125677

B166312 Second Appellate District,
Division Four

PEOPLE v. TOWNE

Order filed

Briefs of the parties shall be filed in accordance with California Rules of Court, rule 29.1(a). Because of the importance of a prompt resolution of this matter, applications to file amicus curiae briefs (including the proposed brief) shall be filed no later than the date the petitioner's reply brief is required to be filed. This court does not contemplate that any extension of time for filing briefs will be granted.

